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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DALE WESLEY HUBBARD, and
DARLENE CRYSTAL VIERA,

Defendants.

CASE NO. 1:22-CR-00306-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

CURRENT DATE: May 17, 2023
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 17, 2023.
2. The Court issued a minute order directing the parties to file a stipulation or status memo by May 10, 2023. The assigned AUSA is in the process of leaving the U.S. Attorney's Office, and in the process of transferring cases, the parties missed the deadline for the stipulation.
3. By this stipulation, defendants now move to continue the status conference until August 16, 2023, and to exclude time between May 17, 2023, and August 16, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
4. While it is possible that the case may resolve without a trial, this is not yet a certainty. If

1 defendants ultimately do not enter a guilty plea and decide to proceed to trial, the parties agree and
2 stipulate, and request that the Court find the following:

3 a) The government asserts the discovery associated with this case includes reports,
4 photographs, and recordings; initial discovery has been provided to defense counsel and the
5 government anticipates significant additional discovery will be produced. The government is
6 aware of its ongoing discovery obligations.

7 b) The government is amenable to providing plea offers to defendants if defendants
8 make such a request.

9 c) Counsel for defendants desire additional time to consult with their clients, to
10 review the current charges, to conduct investigation and research related to the charges, to review
11 and/or copy discovery for this matter, to discuss potential resolutions with their clients, to
12 prepare pretrial motions, and to otherwise prepare for trial.

13 d) Counsel for defendants believe that failure to grant the above-requested
14 continuance would deny them the reasonable time necessary for effective preparation, taking into
15 account the exercise of due diligence.

16 e) The government does not object to the continuance.

17 f) Based on the above-stated findings, the ends of justice served by continuing the
18 case as requested outweigh the interest of the public and the defendants in a trial within the
19 original date prescribed by the Speedy Trial Act.

20 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
21 et seq., within which trial must commence, the time period of May 17, 2023 to August 16, 2023,
22 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4],
23 because it results from a continuance granted by the Court at defendants' request on the basis of
24 the Court's finding that the ends of justice served by taking such action outweigh the best interest
25 of the public and the defendant in a speedy trial.

26 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
27 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
28 must commence.

IT IS SO STIPULATED.

Dated: May 11, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ KIMBERLY A. SANCHEZ
KIMBERLY A. SANCHEZ
Assistant United States Attorney

Dated: May 11, 2023

/s/ KEVIN P. ROONEY
KEVIN P. ROONEY
Counsel for Defendant
DALE WESLEY HUBBARD

Dated: May 11, 2023

/s/ BARBARA HOPE O'NEILL
BARBARA HOPE O'NEILL
Counsel for Defendant
DARLENE CRYSTAL VIERA

ORDER

IT IS SO ORDERED.

DATED: 5/11/2023

Sheila K. Oberto
Hon. Sheila K. Oberto
U.S. Magistrate Judge